GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

EFS&T Department – Environment – Plastic Waste Management Rules, 2016 amended from time to time including ban on identified Single Use Plastics – Implementation – Designating enforcement authorities and stipulating penalties to ensure effective enforcement of Plastic Waste Management Rules – Notification – Issued.

ENVIRONMENT, FORESTS, SCIENCE AND TECHNOLOGY (SEC.I) DEPARTMENT

G.O.Ms.No:81, **Dated:29.11.2022.**
Read:-

From the Member Secretary, A P Pollution Control Board, Vijayawada Letter No. APPCB-UH-III-SUP/2022 dt.17/08/2022.

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ORDER :-

WHEREAS, in exercise of the powers conferred under sections 3, 6 and 25 of the Environment (Protection) Act, 1986 (Act No 29 of 1986), the Ministry of Environment, Forest and Climate Change, New Delhi, Government of India have notified the Plastic Waste Management Rules, 2016 with effect from 18th March, 2016. The Rules are amended from time to time;

2. AND WHEREAS, the Ministry of Environment, Forest and Climate Change, New Delhi, Government of India vide GSR 571 (E), dt.12.08.2021 have notified Plastic Waste Management (Amendment) Rules, 2021 banning identified Single Use Plastics;

3. AND WHEREAS, in exercise of the powers conferred under section 23 of the Environment (Protection) Act, 1986 (Act No 29 of 1986), the Government of India has delegated powers vested in it under section 5 of the Act to State Government of Andhra Pradesh vide S.O.No.152 (E), dated 10.02.1988;

4. Now, therefore, in order to ensure effective implementation of Plastic Waste Management Rules, 2016 as amended from time to time including ban on identified Single Use Plastics (SUP) in the State, the following Notification Will be published in the extraordinary issue of Andhra Pradesh Gazette, dated 29.11.2022.

NOTIFICATION

In exercise of the powers conferred by section 5 of Environment (Protection) Act, 1986 read with the Notification S O 152(E) dated 10.02.1988 of Government of India, Ministry of Environment and Forest, the Government of Andhra Pradesh hereby notify the following designating Enforcement Authorities and stipulating Penalties for effective enforcement of the Plastic Waste Management Rules, 2016 as amended from time to time including ban on the identified Single Use Plastics (SUP).

(PTO)

The rule implementing agencies are empowered to impose penalties under the doctrine of Precautionary Principle and the Polluter Pays Principle. The Principles are essential features of sustainable Development as law laid down by the Hon'ble Supreme Court in the matter of Indian Council for Enviro-Legal Action vs. Union of India (1996) (3 SCC 212) to prevent environmental degradation.

I. Enforcement Authorities:

1. Andhra Pradesh Pollution Control Board: Member Secretary, concerned Unit Head, Zonal Officers and Regional Officers of the Board are responsible for enforcement of Plastic Waste Management Rules, 2016 as amended from time to time relating to Manufacturing, Import, Stocking and Distribution of banned Single Use Plastics (SUP) by producers, importers and E -Commerce Companies.

2. Municipal Commissioners, Health Officials of Urban Local Bodies, Ward Sanitation and Environment Secretary of Ward Secretariat are responsible for enforcement of Plastic Waste Management Rules, 2016 as amended from time to time relating to sale and usage of banned single use plastics in their respective jurisdiction of Urban Areas.

3. District Panchayat Officer, Divisional Panchayat Officer (DLPO), Extension Officer (PR&RD), Panchayat Secretary- Gramasachivalayam (Village Secretariat) are responsible for enforcement of Plastic Waste Management Rules, 2016 as amended from time to time relating to sale and usage of banned single use plastics in their respective jurisdiction of Rural Areas.

II. Levy of Penalties for Violations

1. Levy of Penalties by APPCB Authorities:

A. Manufacturing and Import of Banned Single Use Plastics.

1. First Offence - Levy of Rs 50,000/- (Rupees Fifty Thousand only) Penalty and seizure of banned Items.

2. Second Offence – Levy of Rs 1,00,000/- (Rupees One Lakh only) Penalty, Seizure of banned items, cancellation of Consent/ Registration, seizure of plant and machinery in-addition to launching Prosecution under Environment (Protection) Act, 1986.

B. Stocking and Distribution of Banned SUP Items by Producers, Importers, E-Commerce Companies.

1. First Offence: Levy of minimum penalty of Rs 25,000/- (Rupees Twenty Five Thousand only) plus Rs 10/- per kg of banned SUP items and seizure of material.

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2. Second Offence: Levy of Minimum Penalty of Rs 50,000/- (Rupees Fifty Thousand only) Plus Rs 20/- per kg of banned SUP Items and seizure of banned items, in-addition to launching of Prosecution under Environment (Protection) Act, 1986.

2. Levy of Penalty by Municipal Authorities, Panchayat Raj & Rural Development Authorities, Panchayat Secretary of Village Secretariat and Ward Sanitation and Environment Secretary of Ward Secretariat for Sale and Usage of banned SUP items.

A. Sale and Usage of banned SUP Items by Street Side Vendors.

1. First Offence: Levy of Penalty of Rs 2,500/- (Rupees Two Thousand and Five Hundred only) and seizure of banned SUP Items.

2. Second Offence: Levy of Penalty of Rs 5,000/-(Rupees Five Thousand only), seizure of banned SUP Items and stopping of the activity.

B. Sales and Usage of banned SUP Items by Shops / Institutes / Establishments / Entities.

1. First offence: Levy of Penalty of Rs 20,000/- (Rupees Twenty Thousand only) and seizure of banned SUP Items.

2. Second Offence: Levy of Penalty of Rs 40,000/- (Rupees Forty Thousand only), seizure of banned SUP Items and cancellation of trade and other licenses, in-addition to prosecution through competent authorities.

3. Levy of Penalty by Commissioner of Special Enforcement Bureau, Commissioner of Transport and Commissioner, Commercial Tax and their Authorized Officers, for transport of banned SUP Items.

1. First Offence: Levy of minimum penalty of Rs 25,000/- (Rupees Twenty Five Thousand only) plus Rs 10/- per kg of banned SUP Items and seizure of material.

2. Second Offence: Levy of Minimum Penalty of Rs 50,000/- (Rupees Fifty Thousand only) plus Rs 20/- per kg of banned SUP Items, seizure of banned material and seizure of vehicle, in addition to prosecution under Environment (Protection) Act, 1986 through competent authorities and /or under other relevant Acts or Codes.

III. Role of District Collector:

District Collector shall extend necessary assistance to State Pollution Control Board, Secretary in-charge of Urban Development, Secretary, PR&RD for effective enforcement of the Rules including ban on Single Use Plastics. District Collector shall guide Urban Local Bodies, Village Panchayats, Ward and Gramasachivalayas for implementation of Plastic Waste Management

(PTO)

Rules including enforcement of the SUP Ban Notification. District Collector shall constitute multi-departmental Task Forces in ULBs consisting officials from Municipalities, Police, Revenue, Pollution Control Board, Commercial Taxes for periodical random inspection of entities dealing with SUPs to achieve objective of SUP Free District. District Collector shall undertake massive sustainable awareness campaign on SUP ban by involving all stakeholders.

IV. Role of Departments:

1. Secretary, Municipal Administration & Urban Development Department is responsible for enforcement of the Rules in Urban Areas.

2. Secretary, Panchayat Raj and Rural Development Department is responsible for enforcement of the Rules in Rural Areas.

3. Secretary, Higher Education Department shall take effective steps for non-usage of banned SUP Items in Higher Educational Institutions including its hostels and also for creation of awareness among the students.

4. Secretary, School Education Department shall take effective steps for non-usage of banned SUP Items in Schools including its hostels and also for creation of awareness among the Students.

5. Secretary, Revenue (Endts.) Department shall take measures for enforcement of ban on SUP Items in temples and all other religious places and also for creation of awareness among the pilgrims.

6. Secretary, Youth Advancement, Tourism & Culture Department shall take measures for enforcement of ban on SUP Items in Tourist Places including Government Tourism Hotels/ Guest Houses, and also for creation of awareness among the tourists.

7. Secretary, Health, Medical & Family Welfare Department shall ensure non usage of banned SUP Items in Medical Institutions, Hospitals, Medical Colleges and Hostels.

8. Secretary, General Administration Department and Heads of Departments shall ensure non usage of banned SUP Items in the Secretariat and Subordinate Offices.

9. The Secretary, Department of Industries and Commerce shall take measures for promotion of eco-friendly alternatives to the banned SUP items.

V. Implementation of Extended Producer Responsibility Guidelines: Urban Local Bodies shall take measures for effective management of plastic waste with the assistance of Producers, Importers, Brand Owners and Plastic Waste Processers by following Extended Producer Responsibility Guidelines Notified by the MoEF&CC vide GSR 133 (E), dated:16.2.2022.

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VI. Monitoring System: Urban Local Bodies and other Enforcement Authorities shall use Central Pollution Control Board's Monitoring Module for compliance monitoring of SUP (http://cpcbplastic.in/sup/), CPCB SUP Grievance Portal (https://sup.cpcbccr.com/v3.0/#/login) for attending complaints, CPCB SUP Field Inspection APP for inspection and reporting and SUP Public Grievance Redressal APP (CPCB-SUP) for awareness and violation reporting.

5. The Member Secretary, Andhra Pradesh Pollution Control Board, Vijayawada shall take further necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

NEERABH KUMAR PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Commissioner, Printing & Stationary and Stores Purchase, Vijayawada (with a request to publish the notification in the extraordinary issue of Andhra Pradesh State Gazette and to furnish 50 copies to Government).
The Member Secretary, A.P.Pollution Control Board, Vijayawada.
The Spl. Chief Secretary to Government, MA & UD Department.
The Principal Secretary to Government, PR & RD Department.
The Spl. Chief Secretary to Government, Industries and Commerce Department.
The Spl. Chief Secretary to Government, School Education Department.
The Principal Secretary to Government, Higher Education Department.
The Prl. Secretary to Government, Revenue (Endowments) Department.
The Principal Secretary to Government, Home Department.
The Prl. Secretary to Government, TR & B Department.
The Prl. Secretary, HM & FW Department.
The Principal Secretary to Government, Gram Volunteers / Ward Volunteers and Village Secretariats / Ward Secretariats.
The Principal Chief Conservator of Forests (HoFF), A.P, Guntur.
The Commissioner of Civil Supplies, Andhra Pradesh.
The Commissioner of Horticulture, Andhra Pradesh.
The Commissioner, Prohibition and Excise, Andhra Pradesh.
The Managing Director, A.P. Tourism Development Corporation.
The Chief Commissioner of State Tax (GST), Andhra Pradesh.
The Commissioner & Director of Municipal Administration, Guntur.
The Commissioner of Endowments Dept , Gollapudi, Vijayawada.
The Commissioner of Transport, Vijayawada.
The Director General of Police, Mangalagiri, Guntur District.
The Managing Director, Swachh Andhra Corporation, Central Excise Colony, Andhra Loyala College, Vijayawada – 520 008.
All the District Collectors

Copy to:-

All the HoDs in Andhra Pradesh.
The Secretary to Government of India, Ministry of Environment & Forests, Indira Paryavaran Bhavan, Jor Bagh Road, Ali gunj, New Delhi.

(PTO)

The Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, New Delhi, 110032.
The Commissioner of Information and Public Relations, Andhra Pradesh.
The Law (G) Department.
The PS to Spl. CS to Chief Minister.
The PS to Minister (Energy, E.F.S. & T. M&G).
The PS to Chief Secretary to Government.
The PS to Spl. CS , E.F.S. & T. Department.
SF / SC (Computer No: 1771855).

// FORWARDED::BY ORDER //

SECTION OFFICER